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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,859	08/25/2003	Yoshiyuki Murata	03508/LH	4202
1933 7590 10/03/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER LIM, KRISNA	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,859

Applicant(s)

MURATA

Examiner

Krisna Lim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-18 and 21-35 is/are rejected.
- 7) ☒ Claim(s) 11-13, 19, 20 and 36-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Claims 1-38 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23 and 30-32 are rejected under 35 U.S.C. § 102(a) as being anticipated by the Applicant Admitted Prior Art in § 1-5 [hereinafter AAPA]

4. AAPA anticipates (e.g., see § 1-5) the invention substantially as claimed. Taking claim 23 as an exemplary claim, the reference anticipates a portable terminal apparatus for data collection, comprising: a receiver for receiving a data collection request sent by a collected data providing terminal; and a collecting unit for collecting data at the request received by the receiver and then for sending the collected data to the data providing terminal (e.g., see § 1-5).

5. As to claim 30, AAPA anticipates a third control unit for controlling the apparatus so that the apparatus will receive from the collected data providing terminal a data-collector recruiting homepage appearing on the Internet before the receiver receives the data collection request, and send the collected data providing terminal data on an application for recruitment of the data collectors inputted in accordance with the received recruiting homepage (e.g., see § 1-5).

6. As to claim 31, AAPA anticipates a fourth control unit for controlling the apparatus so that the apparatus will receive from the collected data providing terminal a data collector recruiting homepage appearing on the Internet before the receiver receives the data collecting request, and send the collected data providing terminal data on the apparatus and data on an application for recruitment of the data collectors inputted in accordance with the recruiting homepage (e.g., see § 1-5).

7. As to claim 32, AAPA a fifth control unit for controlling the apparatus so that the apparatus will receive from the collected data providing terminal a data collector recruiting homepage appearing on the Internet before the receiver receives the data collecting request, and send the collected data providing the terminal data on an application for recruitment of the data collectors inputted in accordance with the recruiting homepage, and then receive registered data collector-related information from the collected data providing terminal (e.g., see § 1-5).

8. Claims xxx are rejected under 35 U.S.C. § 102(e) as being anticipated by the Morris et al [U.S. Patent No. 6,694,359].

9. Morris et al anticipates (e.g., see Figs. 1-13) the invention substantially as claimed. Taking claim 23 as an exemplary claim, the reference anticipates a portable terminal apparatus (e.g., see 112a to 112n, col. 4 (line 52), col. 4 (line 53) to col. 6 (line 34)) for data collection, comprising: a receiver (e.g., see the abstract, col. 1 (lines 45-47)) for receiving a data collection request sent by a collected data providing terminal; and a collecting unit (e.g., see the abstract, col. 4 (line 53) to col. 6 (line 34)) for collecting data at the request received by the receiver and then for sending the collected data to the data providing terminal.

10. As to claim 30, Morris et al anticipates a third control unit for controlling the apparatus so that the apparatus will receive from the collected data providing terminal a

data-collector recruiting homepage appearing on the Internet before the receiver receives the data collection request, and send the collected data providing terminal data on an application for recruitment of the data collectors inputted in accordance with the received recruiting homepage (e.g., see col. 4 (lines 53) to col. 6 (line 34)).

11. As to claim 31, Morris anticipates a fourth control unit for controlling the apparatus so that the apparatus will receive from the collected data providing terminal a data collector recruiting homepage appearing on the Internet before the receiver receives the data collecting request, and send the collected data providing terminal data on the apparatus and data on an application for recruitment of the data collectors inputted in accordance with the recruiting homepage (e.g., see col. 4 (lines 53) to col. 6 (line 34)).

12. As to claim 32, Morris a fifth control unit for controlling the apparatus so that the apparatus will receive from the collected data providing terminal a data collector recruiting homepage appearing on the Internet before the receiver receives the data collecting request, and send the collected data providing the terminal data on an application for recruitment of the data collectors inputted in accordance with the recruiting homepage, and then receive registered data collector-related information from the collected data providing terminal (e.g., see col. 4 (lines 53) to col. 6 (line 34)).

13. Morris et al anticipates (e.g., see Figs. 1-13) the invention substantially as claimed. Taking claim 24 as an exemplary claim, the reference anticipates a portable terminal apparatus (e.g., see 112a to 112n, col. 4 (line 52), col. 4 (line 53) to col. 6 (line 34)) for data collection, comprising: a transmitter (e.g., see col. 5, line 54) for transmitting the collected data providing terminal a request to collect and deliver data on the present situation of a specified place to the terminal apparatus (e.g., see col. 5); and a receiver (e.g., see the abstract, col. 1 (lines 45-47)) for receiving from the collected data providing terminal data on the present situation of a specified place collected by the collected data providing terminal at the request sent by the

transmitter(e.g., see the abstract, col. 4 (line 53) to col. 6 (line 34)) .

14. As to claim 27, Morris et al further anticipates a first control unit for controlling the apparatus (e.g., see the abstract, col. 4, line 53, to col. 6, line 34) so that the apparatus will send the collected data providing terminal data on a price for the collected data on the present situation of the specified place received by the receiver.

15. Morris et al anticipates (e.g., see Figs. 1-13) the invention substantially as claimed. Taking claim 26 as an exemplary claim, the reference anticipates a portable terminal apparatus (e.g., see 112a to 112n, col. 4 (line 52), col. 4 (line 53) to col. 6 (line 34)) connected to a management server through a network (e.g., see Fig. 2, col. 5) comprising: a transmitter (e.g., see col. 5) for transmitting the management server a request to collect data on an specified place including information on the position of the specified place; and a receiver (e.g., see the abstract, col. 4 (line 53) to col. 6 (line 34)) for receiving from the management server the collected data on the specified place.

16. As to claim 33, Morris et al further anticipates a first control unit for controlling the apparatus so that the apparatus will send the management server data providing terminal data on a price (this is one of the specific application specific data, col. 7, lines 51-52, col. 9) for the collected data received by the receiver (e.g., see col. 7, line 39, to col. 8, line 14).

17. Morris et al anticipates (e.g., see Figs. 1-13) the invention substantially as claimed. Taking claim 2 as an exemplary claim, the reference anticipates a collected data providing apparatus connected to a plurality of portable terminals through a network (e.g., see Figs. 2 and 10, col. 7, lines 26-27), the apparatus comprising: first receiver (e.g., see the abstract, col. 4 (line 53) to col. 6 (line 34), part of transceiver 114) for receiving from a first one of the plurality of portable terminals (112a to 112n) a request to collect data on the present situation of a specified place; a finding unit (col. 10, lines 4-33), data relating to a particular or specific terminal 112a too 112n is

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assigned to its own memory table The terminal specific data ... could be accessed by assigning an identifier attribute for that data to each terminal 112) for finding a second one of the plurality of portable terminals present in the vicinity of the specified place; a transmitter (e.g., see col. 5, line 54) for transmitting the found second portable terminal a request to collect data on the present situation of the place; and a second receiver for receiving from the second portable terminal the data collected by the second portable terminal at the request sent by the transmitter (e.g., see the abstract, col. 4 (line 53) to col. 6 (line 34)).

18. As to claim 6, Morris et al further anticipates a first control unit for controlling the apparatus so that the apparatus will send the second portable terminal data on a price (this is one of the specific application specific data, col. 7, lines 51-52, col. 9) for the collected data on the present situation of the specified place received by the second receiver (e.g., see col. 7, line 39, to col. 8, line 14).

19. Claim 5 is rejected for the same rationale as claim 2, since it recites similar elements and with the additional redundant element of claim 2. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited references.

20. Morris et al anticipates (e.g., see Figs. 1-13) the invention substantially as claimed. Taking claim 25 as an exemplary claim, the reference anticipates a collected data providing apparatus connected to a plurality of portable terminals through a network (e.g., see Figs. 2 and 10, col. 5, col. 7, lines 26-27), the apparatus comprising: a receiver (e.g., see the abstract, col. 4 (line 53) to col. 6 (line 34), part of transceiver 114) for receiving data collection request from data collection requester' terminal through an management server; a display control unit (e.g., see 115 of Fig. 3) for displaying the data collection request received by the receiver on a display; and a transmitter (e.g., see col. 5) for transmitting the management server data collected at the data collection request displayed on the display.

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21. Claims 1, 3-5, 7, 14-16, 28 and 34 are rejected for the same rationale as claims 2, 6, 24-27 and 33, since they recite similar subject matter with or without the additional redundant elements of claims 2, 6, 24-27 and 33. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited references.

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 8-10, 17-18, 22, 28-29 and 34-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morris[U.S. Patent No. 6,694,359].

24. As to claims 8-10, 17-19, 22, 28-29 and 34-35, Morris et al discloses the data collection having a plurality of portable terminal with different software/programs for collected data at the remote site and transmitted/received information with a mobile server via a communication network. Morris et al, however, does not explicitly detail that those portable terminals are financial institution's terminals and they are used to get the pay reward based on the collected data. It would have been obvious to one of ordinary skilled in the art to recognize that such specification application of programs would have been a matter of doing business with those portable terminal. Morris et al does not explicitly detail that a data collector recruiting homepage would be publish on the internet before the receiver receives the collected data. It would have been obvious to one of ordinary skilled in the art to recognize that whether or not those collected data are published or not published on the internet would have been a matter of choice too.

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25. Claims 11-13, 19-20 and 36-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

September 25, 2007


KRISNA LIM
PRIMARY EXAMINER